



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
Two Gateway Center  
Newark, NJ 07102  
[www.bpu.state.nj.us](http://www.bpu.state.nj.us)

TELECOMMUNICATIONS

IN THE MATTER OF THE AMENDED PETITION OF )  
LITESPAN, INC. FOR AUTHORITY TO PROVIDE )  
RESOLD INTEREXCHANGE TELECOMMUNICATIONS )  
SERVICES THROUGHOUT THE STATE OF )  
NEW JERSEY )

ORDER

DOCKET NO. TE03040298

(SERVICE LIST ATTACHED)

BY THE BOARD:

Pursuant to N.J.S.A. 48:2-1 et seq. and Section 253 of the federal Telecommunications Act of 1996, 47 U.S.C. §151 et seq., and by letter dated February 4, 2003, Litespan, Inc. ("Petitioner" or "Litespan") filed a Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide facilities-based resold interexchange telecommunications services in the State of New Jersey. On April 7, 2003, Litespan also filed an amended Petition with the Board. Pursuant to the Open Public Records Act N.J.S.A. 47:1A-1 et seq., Petitioner has submitted its financial information under seal and has included a sworn affidavit with substantiation for confidential treatment in order to limit the availability of proprietary information.

Litespan is a privately held corporation organized under the laws of the State of New Jersey. Petitioner's principal offices are located at 21 Twin Oaks Oval, Springfield, New Jersey 07081.

Petitioner has submitted copies of its Certificate of Incorporation from the State of New Jersey. According to the Petition, Litespan was formed to provide facilities-based resold interexchange telecommunications services throughout New Jersey. Petitioner states that it has filed a Reseller Acknowledgement Form with Verizon – New Jersey, Inc. for authority to provide resold long distance services. Petitioner states that it is currently offering resold interexchange telecommunications services in the State of New Jersey.

In its Petition, the Company seeks authority to provide facilities-based resold interexchange telecommunications services indiscriminately to both residential and business class customers throughout the entire State of New Jersey. The Petitioner states that these services will be provided over the network of Qwest Communications in conjunction with its own Cisco routers and planning through its Excel EXS-1000 switch. In addition, the Petitioner indicates it will offer services to its subscribers through the resale of other carriers' facilities and network elements. The Petitioner further states that with the exception of its Cisco routers and planning through its Excel EXS-1000 switch, all facilities to be used in connection with the provisioning of the proposed services are those of underlying carriers that it will contract with and, as such, are already constructed and in operation in accordance with any necessary federal and State authorizations. According to the Petitioner, it proposes to acquire and resell various voice and data communications services offered by communications interexchange carriers, (specifically Qwest Communications) and to package and provide these services for the specialized functions and needs of its customers. In particular, services will be acquired from underlying interexchange carriers at bulk rates and will be resold to its customers, so that customers will benefit from reduced pricing. Petitioner states that it will file a tariff for Board approval. Petitioner states that it maintains a toll-free number for its customer service inquiries.

Petitioner requests a waiver of N.J.A.C. 14:1-4.3 which requires that books and records be maintained in accordance with the Uniform System of Accounts ("USOA"). In the interest of efficiency and to prevent undue burden, Petitioner requests permission to maintain its books and records in accordance with Generally Accepted Accounting Principles. Petitioner also states, upon written notice from the Board and/or Board Staff, it will provide its books and records as the Board may designate and will pay any reasonable expenses for examination of the records.

Petitioner asserts that approval of its Petition will further the public interest by expanding the availability of competitive telecommunications services in the State of New Jersey. Petitioner also asserts that approval of this Petition will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings.

With regard to its technical and managerial qualifications, Litespan states that it possesses the technical capability and managerial qualifications to operate and manage its telecommunications operations in the State of New Jersey. Petitioner has submitted the professional biographies of its key personnel who, according to Litespan, are well qualified to execute its business plans and have extensive managerial and technical experience in the telecommunications industry.

## DISCUSSION

On February 8, 1996, the federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. §151 et. seq., was signed into law, removing barriers to competition by providing that:

[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

[47 U.S.C. §253(a)].

Therefore, Board approval of Petitioner's entry into the telecommunications marketplace is required, assuming Petitioner meets all other requirements, including, but not limited to, a demonstration of financial, technical and managerial integrity.

In considering this Petition, the Board recognizes its obligation not to prohibit entry into intrastate telecommunications markets. 47 U.S.C. §253(a). Approval is also in keeping with the New Jersey State Legislature's declaration that it is the policy of the State to provide diversity in the supply of telecommunications services, and its findings that competition will "promote efficiency, reduce regulatory delay and foster productivity and innovation" and "produce a wider selection of services at competitive market-based prices." N.J.S.A. 48:2-21.16(a)(4); N.J.S.A. 48:2-21.16(b)(1) and (3).

Therefore, having reviewed Litespan's Petition and the information supplied in support thereof, the Board FINDS that the Petitioner is in compliance with the Board's filing requirements which are necessary to provide telecommunications services in New Jersey. Accordingly, the Board HEREBY AUTHORIZES the Petitioner to provide resold interexchange telecommunications services throughout New Jersey subject to approval of its tariff. The Board also FINDS that in accordance with N.J.S.A. 48:2-59 and 48:2-60 and N.J.S.A. 52:27E-61 and 52:27E-62, the Petitioner is subject to an annual assessment by both the Board and Division of Ratepayer Advocate, respectively. The Board notes that the Petitioner will not be permitted to provide telecommunications services until a tariff is approved by the Board.

The Board HEREBY ORDERS that:

- 1) Petitioner file its tariff for Board approval.
- 2) Pursuant to N.J.S.A. 48:2-16.3, Petitioner shall file an annual report as of December 31 of each year, which is due on or before March 31 of the following year.
- 3) Pursuant to N.J.S.A. 48:2-59 and 48:2-60, Petitioner shall file a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before June 1 of the following year.

On or before February 1<sup>st</sup> of each year, the Petitioner will receive from the Division of Audits, an annual report package and a statement of gross intrastate revenues from operations form for the preceding calendar year. The purpose of these documents is to report the company's financial information and gross intrastate revenues from operations as of December 31 of each year. The annual report and a statement of gross intrastate revenues from operations form is due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive these documents, it is Petitioner's responsibility to obtain them from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports.

Regarding the Petitioner's request for waivers of the Board rules, the Board FINDS that the Petitioner has demonstrated good cause why the Board should grant relief from its requirements that the Petitioner maintain its books and records in accordance with USOA. Therefore, subject to the Petitioner's continuing responsibility to provide the Board books and records upon 48 hours notice, and in the manner requested, and to pay to the Board any reasonable expenses

or charges incurred by the Board for any investigation or examination of these books and records, the Board APPROVES the Petitioner's request for the exemptions from maintaining its books and records in accordance with USOA.

DATED: 8/19/03

BOARD OF PUBLIC UTILITIES  
BY:

(SIGNED)

\_\_\_\_\_  
JEANNE M. FOX  
PRESIDENT

(SIGNED)

\_\_\_\_\_  
FREDERICK F. BUTLER  
COMMISSIONER

(SIGNED)

\_\_\_\_\_  
CAROL J. MURPHY  
COMMISSIONER

(SIGNED)

\_\_\_\_\_  
CONNIE O. HUGHES  
COMMISSIONER

(SIGNED)

\_\_\_\_\_  
JACK ALTER  
COMMISSIONER

ATTEST:

(SIGNED)  
KRISTI IZZO  
SECRETARY

IN THE MATTER OF THE AMENDED PETITION OF LITESPAN, INC.  
FOR APPROVAL TO PROVIDE RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES THROUGHOUT  
THE STATE OF NEW JERSEY

**DOCKET NO. TE03040298**

**SERVICE LIST**

**1. Petitioner's Contact Person:**

Mr. Alex Ferdman, President  
Regulatory Contact Person  
Litespan, Inc.  
21 Twin Oaks Oval  
Springfield, New Jersey 07801

**4. Ratepayer Advocate:**

Seema M. Singh, Esquire  
Acting Director and Ratepayer Advocate  
Division of the Ratepayer Advocate  
31 Clinton Street, 11<sup>th</sup> Floor  
P. O. Box 46005  
Newark, New Jersey 07101

**2. Petitioner's Attorney:**

Mr. Damien O. Del Duca, Esq.  
Madden, Madden and Del Duca, P. A.  
108 Kings Highway East  
Post Office Box 210  
Haddonfield, New Jersey 08033

**5. Deputy Attorney General:**

Grace Kurdian  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P. O. Box 45029  
Newark, New Jersey 07102

**3. Board's Staff:**

Walter P. Szymanski  
Director, Division of Audits  
Board of Public Utilities  
Two Gateway Center, 9<sup>th</sup> Floor  
Newark, New Jersey 07102

**6. Board's Staff:**

Anthony Centrella  
Director, Division of Telecommunications  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102